

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 08-12-M
	)	
AHIAM ETIENNE,	)	
	)	
Defendant.	)	

**JOINT MOTION TO EXCLUDE TIME UNDER SPEEDY TRIAL ACT**

NOW COMES the defendant Ahiam Etienne, by and through his attorney, Charles Butler, Esq., and the United States of America, by and through its attorney, Assistant United States Attorney Christopher J. Burke, and jointly requests the Court pursuant to Federal Rule of Criminal Procedure 45(b), Local Rule 5(a), and 18 U.S.C. § 3161(h)(2), to exclude under the Speedy Trial Act by twelve months the period of time within which an indictment must be sought in the above-captioned matter. In support of this motion, the parties submit as follows:

1. The defendant was charged by criminal complaint dated January 18, 2008. As such, the Government was initially required to seek an indictment in the above-captioned matter on or before February 17, 2008.

2. On February 7, 2008, the parties requested that this Court order a sixty-day extension in the time period for the Government to file an indictment in this matter. The Court signed an Order to that effect on the same date, extending the time by which the Government must file an indictment to March 19, 2008. On March 12, 2008, the parties again requested that this Court order a sixty-day extension in the time period for the Government to file an indictment. The Court signed an Order to that effect on March 25, 2008, extending the time by

which the Government must file an indictment to May 19, 2008.

3. The parties have recently agreed to enter into a Pretrial Diversion Agreement, the terms of which provide that the United States will defer prosecution of the defendant for a period of twelve months. The Agreement will be fully executed as of May 19, 2008. Pursuant to the terms of the Agreement, the United States will dismiss the criminal complaint at the end of the diversionary period if the defendant complies with the conditions set forth in the Agreement.

4. A period of delay during which prosecution is deferred pursuant to a pretrial diversion agreement is excludable under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(2). Under the terms of the Agreement entered into between the parties, the defendant agreed that any period of delay during the diversionary period shall be deemed excludable under the Speedy Trial Act.

5. Both parties request that the twelve-month period of time beginning on May 19, 2008, and continuing until May 19, 2009, be excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(2).

Respectfully submitted,

/s/ Charles E. Butler, Esq.  
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/s/ Christopher J. Burke, Esq.  
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Dated: May 16, 2008

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,	)	
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Plaintiff,	)	
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v.	)	Case No. 08-12-M
	)	
AHLAM ETIENNE,	)	
	)	
Defendant.	)	

**ORDER**

Having considered the parties' Joint Motion to Exclude Time Under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(2), **IT IS HEREBY ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_ 2008, that the time within which an indictment in the above-captioned matter must be sought shall be excluded by a period of \_\_\_\_\_ months from May 19, 2008, the date in which the parties entered into a Pretrial Diversion Agreement.

**IT IS FURTHER ORDERED** that a telephonic Status Conference is scheduled for \_\_\_\_\_, at \_\_\_\_\_, with the Court initiating said call.

**IT IS FURTHER ORDERED** that the time between May 19, 2008 and the \_\_\_\_\_ teleconference is excluded under the Speedy Trial Act. 18 U.S.C. § 3161(h)(2).

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Honorable Leonard P. Stark  
United States Magistrate Judge